

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|-------------------------------|---|------------------------------|
| DANNY LEE SMITH, #111 978, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 2:09cv6-TMH |
| |) | |
| WILLIAM WYNN, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

OPINION AND ORDER

The Magistrate Judge filed a Recommendation (Doc. #11) in this case to which no timely objections have been filed. After a review of the Recommendation, and after an independent review of the entire record, the Court believes that the Recommendation should be adopted. Accordingly, it is

ORDERED that the RECOMMENDATION (Doc. #11) of the Magistrate Judge is ADOPTED. Plaintiff's 42 U.S.C. § 1983 claims for monetary damages against Defendants Wynn, McGill, and Weatherly are DISMISSED with prejudice, prior to service of process, under 28 U.S.C. § 1915(e)(2)(B)(iii) because Defendants, as members of Alabama's Board of Pardons and Parole, are entitled to quasi-judicial immunity from suits requesting damages based on their decisions in the parole consideration process. It is further

ORDERED that Plaintiff's challenge to Defendants' decision to deny him parole and his request for injunctive relief, construed as a request for a new parole consideration hearing, is REFERRED back to the Magistrate Judge for further proceedings.

Done this 2nd day of March, 2009.

/s/ Truman M. Hobbs

UNITED STATES DISTRICT JUDGE